

EXHIBIT #2

EMAILS TO AND FROM

PLAINTIFF ANNAMARIE TROMBETTA

AND Dr. Joseph Scelsa

1-August 19, 2022 To Dr. Joseph Scelsa
2-August 26, 2022 To Dr. Joseph Scelsa
3-August 26, 2022 From Dr. Joseph Scelsa

TO WORTHPOINT ATTORNEYS on Sept. 15, 2022
CV of Dr. Joseph Scelsa Sept. 19, 2022

4-Oct. 9, 2022 To Dr. Joseph Scelsa
5-Oct. 9, 2022 From Dr. Joseph Scelsa
6-Nov. 16, 2022 To Dr. Joseph Scelsa
7-Nov. 16, 2022 From Dr. Joseph Scelsa
8-Nov. 23, 2022 To Dr. Joseph Scelsa
9-Dec. 6, 2022 To Dr. Joseph Scelsa
10- Jan. 2, 2023 To Dr. Joseph Scelsa
11- Jan. 6, 2023 From Dr. Joseph Scelsa
12-Feb. 10, 2023 To Dr. Joseph Scelsa
13-Feb. 16, 2023 To Dr. Joseph Scelsa

*14 - May 31, 2023



Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie ---An Update for

1 message

Annamarie Trombetta <artofannamarie@gmail.com>
 To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Fri, Aug 19, 2022 at 3:13 PM



EXHIBIT

#2

(17)

Dear Dr. Scelsa,
 So sorry for the delay in getting back to you---
 give me my requested information . It is due today.
 If I may or if need be can I call you over the weekend ??

r. The Judge ordered the first defendant to

I may need for you to submit information as per an expert witness. CV resume. What books you have authored. When it is due I am not sure.....Some time next week - but I will check on this.-After I receive the defendants responses today I will know.

Some of the defendants responses are absolutely ridiculous and aside from being worked into the point of exhaustion.....they keep heaping more demands upon me.

Please know Dr. Scelsa, when I started this it was to simply declare that I did not do this painting. In time who know who would have claimed it as mine

Unfortunately one have to prove your claims . Over time I have 3 surviving and serious claims---Visual Artist Rights Act--(no one can use an artist name to a painting (artowrk) the artist did not create) Direct Copyright infringement--the use of my self authored biography without knowledge or consent and third the Digital Millenium Copyright Act . This has to

do with removing my copyright management information from my website. This is the CMI from my website **All work on this site are ©Annamarie Trombetta. All rights reserved.**

Additionally the attached photo of the A. Trombetta is not by my hand. WorthPoint wrote a statement "© Copyrighted work licensed by WorthPoint" WorthPoint's claim and the use of the circle C means that they circulated on the internet false copyright management information. This is a big No No....Just so that you are aware of the claims in my case. Also ---it is not my signature.

I hope you are enjoying the weather--Dr. Scelsa
With Heartfelt Appreciation,
Annamarie

2 attachments



P.#2Federal Rules for Witnesses Requirements.pdf
193K



P. #1 Federal Rules for Witnesses Requirements.pdf
317K

EXHIBIT
#1
(1)



Annamarie Trombetta <artofannamarie@gmail.com>

Annamaire--Witness disclosures extended

Annamarie Trombetta <artofannamarie@gmail.com>
To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Fri, Aug 26, 2022 at 9:29 AM

Thank you once again for your willingness to be involved in this ridiculous yet clear cut production of a false secondary market.

This week my opponents asked the Judge to extend time for witnesses. Mind you I gave them the names on June 27th . When I was away the first week of August they contacted people named as witnesses.

In short--I will try and get you the draft next week after I have my deposition on the 30th which is Tuesday---I need to study and prepare.

-- With Sincere Appreciation

--
Annamarie

EXHIBIT
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Annamarie Trombetta <artofannamarie@gmail.com>

Annamaire--Witness disclosures extended

Italian American Museum <italianamericanmuseum@gmail.com>

Fri, Aug 26, 2022 at 3:39 PM

To: Annamarie Trombetta <artofannamarie@gmail.com>

Annmarie,

I will be away till Sept 8, and will have limited internet service

Joseph

[Quoted text hidden]

--

Cav. Uff. Joseph V. Scelsa, Ed.D.**Founder and President****Italian American Museum**

Professor Emeritus

Queens College

The City University of [New York](#)

155 Mulberry Street

New York, NY 10013

Tel 212.965.9000

Fax 212.965.9004

Cell 917.642.4922

JVScelsa@ItalianAmericanMuseum.orgwww.ItalianAmericanMuseum.org

EXHIBIT
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Annamarie Trombetta <atrombettaart@gmail.com>

Expert Witnesses

Annamarie Trombetta <atrombettaart@gmail.com>

Thu, Sep 15, 2022 at 3:55 PM

To: "Haimson, Nicole" <Nicole.Haimson@wilsonelser.com>, "Farmer, Jana S." <jana.farmer@wilsonelser.com>, "Bialek, Adam" <Adam.Bialek@wilsonelser.com>, Anderson Duff <ajd@hoganduff.com>

To All Attorneys and Parties,

At the end of June 2022 I sent my list of witnesses to you.

To date three have been removed and have furnished letters stating the reasons for their departure.

Attached please find the CV of Expert Witness Dr. Joseph V. Scelsa --Founder and Director of the Italian American Museum and Advocate for Italian Americans. ~~XXXXXXXXXXXXXXXXXXXX~~

Attached please find the response and rates from Expert Witness Patrick Michael O'Leary. ~~XXXXXXXXXXXXXXXXXXXX~~

I am still waiting to hear from Peter Trippi and Dan Caropreso due to the unknown date of the trial and the schedules of these individuals.

Submitted September 15, 2022
Annamarie Trombetta

2 attachments

Curriculum Vitae Joseph V. Scelsa .pdf
227K

Expert Witness Patrick Michael O'Leary.pdf
475K

Plaintiff's
Expert
Witnesses

EXHIBIT #2



Annamarie Trombetta <atrombettaart@gmail.com>

Expert Witnesses

Annamarie Trombetta <atrombettaart@gmail.com>

Thu, Sep 15, 2022 at 4:51 PM

To: "Farmer, Jana S." <jana.farmer@wilsonelser.com>, "Bialek, Adam" <Adam.Bialek@wilsonelser.com>, Anderson Duff <ajd@hoganduff.com>, "Haimson, Nicole" <Nicole.Haimson@wilsonelser.com>

Please see the attached documents to accompany Dr. Scelsa's CV
[Quoted text hidden]

2 attachments



Google List Italian American Museum Listing under 1972 Original Oil Man w_Red
Umbrella_signed Annamarie Trombetta.tif
11677K

Scelsa v. CUNY_Motley 11.18.92.pdf
4034K

EYH(BTT
#2



Annamarie Trombetta <atrombettaart@gmail.com>

Expert Witnesses

Haimson, Nicole <Nicole.Haimson@wilsonelser.com>

Mon, Sep 19, 2022 at 12:47 PM

To: Annamarie Trombetta <atrombettaart@gmail.com>

Cc: "Farmer, Jana S." <Jana.Farmer@wilsonelser.com>, "Bialek, Adam" <Adam.Bialek@wilsonelser.com>, Anderson Duff <ajd@hoganduff.com>

Ms. Trombetta,

Based on your recent emails, it is our understanding that the following individuals will be serving as your expert witnesses:

- Dr. Joseph V. Scelsa;
- Patrick Michael O'Leary; and
- Gayle Skluzacek

Please 1) confirm this is accurate; 2) provide your expert disclosures in accordance with FRCP Rule 26(a)(2) as soon as possible; and 3) let us know your availability for a meet and confer to discuss expert discovery.

Best,

EXHIBIT
#2

Nicole Haimson
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
[150 E 42nd Street](#)
New York, NY 10017
518.320.3608 (Direct)
516.330.8099 (Cell)
212.490.3000 (Main)
212.490.3038 (Fax)
nicole.haimson@wilsonelser.com

From: Annamarie Trombetta [mailto:atrombettaart@gmail.com]**Sent:** Thursday, September 15, 2022 4:51 PM**To:** Farmer, Jana S. <jana.farmer@wilsonelser.com>; Bialek, Adam <Adam.Bialek@wilsonelser.com>; Anderson Duff <ajd@hoganduff.com>; Haimson, Nicole <Nicole.Haimson@wilsonelser.com>**Subject:** Re: Expert Witnesses



Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie---Happy Columbus Day-- Lawyer info.

Annamarie Trombetta <artofannamarie@gmail.com>

Sun, Oct 9, 2022 at 8:39 AM

To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Hi Dr. Scelsa,

First Happy Columbus Day. I am sure you are busy and have lots to do either today tomorrow and perhaps this week

In like fashion, since we last spoke on Thursday September 29th, I have been beyond busy with deadlines, witness depositions and the intentional subpoenas the defendants sent to my withdrawn witnesses.

In short---I am happy to report that I have won every battle this week and brought the intentional chaotic deceptive problems by the defendants to the Court's attention with proof. Based on Friday's Order by the Judge, I have an extension for the expert witness disclosures and other matters.

This morning is the first chance I had to come up for air. I wanted to reach out to know when I could call you and who is the person or lawyer in mind that you referred to when we last spoke.

Please let me know when you can
Enjoy all the Celebrations of our Heritage,
With Appreciation,
Annamarie
Tel 202 427-5990

--
Annamarie Trombetta

EXHIBIT
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Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie---Happy Columbus Day-- Lawyer info.

Italian American Museum <italianamericanmuseum@gmail.com>
To: Annamarie Trombetta <artofannamarie@gmail.com>

Sun, Oct 9, 2022 at 8:20 PM

I sent the lawyer an email to see if he is interested in your case.

On Sun, Oct 9, 2022 at 8:39 AM Annamarie Trombetta <artofannamarie@gmail.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

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Annamarie Trombetta <atrombettaart@gmail.com>

Annamarie Trombetta ---Lawsuit

Annamarie Trombetta <atrombettaart@gmail.com>

Wed, Nov 16, 2022 at 10:50 AM

To: /- <...jdlaw.com>, jvscelsa@italianamericanmuseum.org

To /- and Dr. Scelsa,

Thank you for taking the time to listen to my legal plight. I appreciate the introduction to /-, Dr. Scelsa and I am truly grateful for your involvement.

As I stated, I needed to access my every changing legal situation regarding outstanding Discovery. To date, the eBay email receipt for the sale of the misattributed 1972 Oil Painting has not been produced in its entirety. The second Defendants (WorthPoint) have called for the full production in their Deposition which is due this week. For the Record--I have attached it within this email if you care to review it which is not confidential. This receipt is devoid of the gray image icon and cut off on the right side.

Last week I filed three letters with the Court in New York. On Monday I had to file a response with the Court in the State of Georgia for a premature false filing for an entry of Motion for Default by WorthPoint for IIED. These tasks have delayed my response and outreach in contacting to the both of you. /-, in response to my letters to the Court in New York, the Magistrate Judge /- he scheduled a Conference call for the 23rd of November.

I will know upon the conclusion of this phone conference if I want to attempt at settle this lawsuit /-. I will know for certain on the 23rd after the Conference call.

I appreciate your patience regarding this lawsuit and what has become a true ordeal.

With Respect and Gratitude,
Annamarie Trombetta

Ebay Item Sold for 1972 Painting --EAI000058-EAI000059.pdf
107K

EXHIBIT
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Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie Trombetta

Annamarie Trombetta <artofannamarie@gmail.com>
To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Wed, Nov 23, 2022 at 1:15 PM

Hello Dr. Scelsa,

I wanted to wish you a Happy Thanksgiving . I also wanted to touch base with you about my case.

At the end of the Conference Call today I mentioned a Settlement Conference to the Judge and both Defendants declined any offers.

I also stated to the Judge that the Expert witness reports which are due on December 12, 2022 but that with the Holiday Season this may not be possible.

I have to make an application to the Court for an extension.

When you can please call me to discuss the production of the report.

With Appreciation,
Annamarie Trombetta
Tel (212) 427-5990

EXHIBIT
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Annamarie Trombetta <atrombettaart@gmail.com>

Annamarie Trombetta ---Lawsuit

From: jvgdlaw.com>
To: Annamarie Trombetta <atrombettaart@gmail.com>
Cc: jvscelsa@italianamericanmuseum.org

Wed, Nov 16, 2022 at 10:58 AM

Annamarie:

Thank you for the update. As stated previously, I call you and your firm to represent me. Please let me know if you wish to retain us for settlement negotiations after the November 23 hearing. I look forward to hearing from you.

Sincerely,

[Quoted text hidden]

EXHIBIT
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Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie Trombetta Request on Expert Report due on Dec. 12, 2022

Annamarie Trombetta <artofannamarie@gmail.com>

Tue, Dec 6, 2022 at 12:35 PM

To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Good Day Dr. Scelsa,

Last week I phone you to find out if your schedule would allow you to complete the expert report that is due on December 12, 2022.

I am contacting you again if there are any updates. If this is not possible, I will need to make an application with the Court for an extension.

Kindly advise as soon as possible.

With Appreciation,

Annamarie Trombetta

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Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie Trombetta--Happy New Years Wishes

Annamarie Trombetta <artofannamarie@gmail.com>
To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Mon, Jan 2, 2023 at 11:16 AM

Hello Dr. Scelsa,

I do hope that you had a memorable and pleasant holiday season.

At this time of the year may I extend all the best wishes to you for the New Year.

When you have some time, can you kindly phone me at (212) 427-5990,

-- Best Wishes,
Annamarie

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EXHIBIT # 2023

Annamarie Trombetta <artofannamarie@gmail.com>

Availability

1 message

Italian American Museum <italianamericanmuseum@gmail.com>
To: Annamarie Trombetta <artofannamarie@gmail.com>

Fri, Jan 6, 2023 at 4:59 PM

Dear Ms. Trombetta,

As you know I was out of the country over the Holidays and was unable to write an expert report for you ..
I am however available now if it is still needed.
Please advise.

Buon Anno,

Dr. Scelsa

--
Cav. Uff. Joseph V. Scelsa, Ed.D.
Founder and President
Italian American Museum
Professor Emeritus
Queens College
The City University of New York



155 Mulberry Street
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Cell 917.642.4922
JVScelsa@ItalianAmericanMuseum.org
www.ItalianAmericanMuseum.org

EXHIBIT
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Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie--Second Request from Defendants Attorneys to Schedule Depositions

Annamarie Trombetta <artofannamarie@gmail.com>
 To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Wed, Feb 1, 2023 at 8:47 AM

Hello Dr. Scelsa,

I hope that you are well and that you have returned from your trip to Florida as a guest speaker.

My outreach, aside from finding out when you could produce your expert witness report was in reference to the Defendant's attorneys' request to schedule depositions on Jan. 25th--Please see email below.

Last night, on Jan. 31st I received another request. Your cell phone from last week was full, I could not leave a message or contact you. Clearly you are quite a busy person and I appreciate your patience with the all the scheduled changes regarding when and if your expert witness report will be accepted by the Court.

The Defendants attorneys are requesting a scheduled date for a deposition. If it is not given, the Defendants will move to preclude you as an expert witness.

Are you available any time from Feb 22nd to March 1st?? Please advise and confirm a date. Kindly contact me in writing or by phone at your earliest convenience.

With Appreciation,
 Annamarie Trombetta
 Tel 212 427-5990

EXHIBIT
 #2
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Bialek, Adam <Adam.Bialek@wilsonelser.com>

To: You +3 others

Wed 1/25/2023 10:03 AM



Trombetta 362 Duff letter.pdf

149 KB

I am sure Anderson will forward, but as a courtesy, please see attached.

We would appreciate it if you would do us the courtesy of having meet and confer conferences before you file letters as the Court has often directed.

Separately, please let us know your availability between Feb 22 and March 1 for your expert's deposition.

Thanks,
 Adam

Adam Bialek
 Attorney at Law

From: "Bialek, Adam" <Adam.Bialek@wilsonelser.com>

Date: Tuesday, January 31, 2023 at 8:37 PM

To: 'Annamarie Trombetta' <annamarietrombettalegal@outlook.com>, "Farmer, Jana S." <Jana.Farmer@wilsonelser.com>, "Anderson J. Duff" <ajd@hoganduff.com>, "Deplas, Alexandra" <Alexandra.Deplas@wilsonelser.com>, 'Annamarie Trombetta' <atrombettaart@gmail.com>, "Anderson J. Duff" <ajd@andersonjduff.com>

Subject: Pltf's expert's deposition

Dear Ms. Trombetta and Mr. Duff:

Last week, I requested your availability between February 22 and March 1 for Ms. Trombetta's expert's deposition. I have yet to receive a response. If we do not hear back by Thursday, we will select a day and time for the expert's deposition that works for us, and if the expert or Ms. Trombetta cannot make it, we will request that the expert be precluded.

Thanks,

Adam

Adam Bialek
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
150 E 42nd Street
New York, NY 10017
212.915.5143 (Direct)
917.538.0616 (Cell)
212.490.3000 (Main)
212.490.3038 (Fax)
adam.bialek@wilsonelser.com

EXHIBIT

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Annamarie Trombetta <artofannamarie@gmail.com>

Rule 26 Plaintiff Disclosure to Defendants on Testimony

Annamarie Trombetta <artofannamarie@gmail.com>
To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Fri, Feb 10, 2023 at 10:17 AM

Hello Dr. Scelsa,

As per our discussion, I as a self represented Plaintiff need to submit what is
a Rule 26 Disclosure on the subject of your expected expert testimony.

I have attached the document I sent to you last week for your convenience.

Please review and either call or respond to me regarding your report.

I need your response and the report immediately

With Anticipation and Appreciation,

Annamarie Trombetta



Rule 26 Plaintiff's Expert Witness Disclosure Dr. Scelsa.docx

17K

EXHIBIT
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Annamarie Trombetta <artofannamarie@gmail.com>

Annamarie Trombetta -How is your virus?--Time for Expert Report?

Annamarie Trombetta <artofannamarie@gmail.com>
To: scelsa/joseph <jvscelsa@italianamericanmuseum.org>

Thu, Feb 16, 2023 at 12:11 PM

Dear Dr. Scelsa,

I am checking in with you once again. As s per our conversations on Friday February 10th and again on February 13th regarding your health, I could hear from your coughing that you are not well. I was pleased to know that you went to your physician and I hope the antibiotics are helping you with your recovery.

I am reaching out with my apologies, but I must ask if you when you might be finished with your expert report.

Below is a ruling. the Magistrate JudgeThe court has granted me an extension for the production of your report. In short, the ultimate decision as to who will give testimony as an expert witness for each party be it the Defendants or I, the Plaintiff is up to the Trial Judge
Please read the attached.

Right now it is important that the report is submitted as soon as possible,
Please contact me or forward me your report as soon as possible.
With Appreciation,
Annamarie Trombetta

supersedes the default deadlines in FRCP 26(a)(2)(D). See Fed. R. Civ. P. 26(a)(2)(D) ("A party must make these disclosures at the times and in the sequence that the court orders."). (2) Ms. Trombetta may request leave to call at trial witnesses whom she previously proposed as experts, but Defendants will have the right to oppose her request, and the ultimate determination of which witnesses Ms. Trombetta (and Defendants, for that matter), may call at trial, will be made by the Honorable Ronnie Abrams, who will preside over the trial. The deadline for a final pretrial order, in which the parties will list the witnesses they intend to call at trial, has not been set, and will not be set, until after the parties complete expert discovery and any dispositive motions have been decided. The Clerk of Court is respectfully

EXHIBIT
#2

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Annamarie Trombetta <artofannamarie@gmail.com>

As requested

Italian American Museum <italianamericanmuseum@gmail.com>
To: Annamarie Trombetta <artofannamarie@gmail.com>

Wed, May 31, 2023 at 3:53 PM

To Whom It May Concern,

This email dated May 31, 2023 is to confirm the following phone communication with Annamarie Trombetta .

**On November 23, 2022 I received an email from Annamarie Trombetta regarding my expert witness report.
After the Thanksgiving holiday I briefly phoned Ms. Trombetta to inform her to ask for an extension of time for my report.**

In December 2022, I had funeral obligations to attend to and had planned a Holiday vacation and was out of the country until the New Year.

I also wish to confirm during our in person meeting in late September, I suggested Ms. Trombetta hire an attorney to try and settle this case. Annamarie had planned and I believe did request settlement talks on the November 23, 2022 call with the Judge. She was disappointed to convey the Defendants immediately rejected her settlement request.

During a phone conversation with Annamarie in January 2023, she expressed she was not feeling well and was experiencing extreme fatigue. I suggested to Annamarie to go see a doctor to make sure she did not have Covid or the flu. She informed me in February when we communicated about the report, that she was Covid free.

This matter is taking valuable time away from a talented artist who really should be painting instead of litigation over a painting she did not paint and a signature that was not hers.

Very truly yours,

Dr. Joseph V. Scelsa

--

Cav. Uff. Joseph V. Scelsa, Ed.D.
Founder and President
Italian American Museum
Professor Emeritus
Queens College
The City University of New York



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www.ItalianAmericanMuseum.org